IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 2235 (MS) OF 2001

1. Sri Chandra Den Singh,
   S/o Sri Padam Dev Singh,
2. Sri Pramod Singh,
3. Sri Rajesh Singh,
4. Sri Kailash Singh,
5. Sri Aman Singh,

2 to 5 all adults, sons of Sri Chandra Dev Singh, Residents of Village Gangapur, Tehsil Kichha, District-Udham Singh Nagar. .....Petitioners.

Versus

1. The District Judge, Udham Singh Nagar.
2. Sri Chandrika Prasad Singh, S/o Sri Achuta Nand Singh,
3. Sir Vinod Singh, S/o Sri Chandrika Prasad Singh,

Both residents of Kichha, Tehsil Kichha, District Udham Singh Nagar. .....Respondents.

Dated: 05.06.2006

Hon'ble Rajesh Tandon, J.

Heard Sri M.S. Pal, Advocate for the petitioner and Standing Counsel for the respondent no.1.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 21.05.2001 passed by the appellate Court, Rudrapur, by which the appeal was allowed.

Briefly stated, a suit was filed by the plaintiff/respondent praying for permanent injunction restraining the respondents from making any constructions. The trial Court has refused to

grant the injunction. However, the appellate Court has allowed the appeal and granted the injunction in favour of the plaintiff/respondents. Present writ petition has been filed against the said order.

At the time of the admission of the writ petition, parties were directed to maintain status quo.

Since the order of status quo has already been granted by this Court vide order dated 29th May, 2001, I find no infirmity in the order passed by the appellate Court. Let the status quo be continued and the suit being of 2001, let it be decided by the Civil Judge (Junior Division) Rudrapur, Udham Singh Nagar preferably within a period of six months from the date of presentation of the certified copy of the order.

Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

05.06.2006
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